



Educational Service Unit 4

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Administrator

Jon H. Fisher

Director of Support Services

Chuck Hummel

Health Services Director

Catrina Zentner, RN

Professional Development Directors

Mitzi Hoback/Suzanne Whisler

Special Education Director

Ellen Stokebrand

NCECBVI Campus Administrator

Sally Giittinger

Technology Director

Gregg Robke

January 10, 2014

CC Docket No. 02-6

Letter of Appeal-Request for Waiver
FCC, Office of the Secretary
445 12th Street
Washington, DC 20554

To Whom It May Concern:

Entity & BEN
Contact Person
Contact Information
Mailing Address
Phone Number
Email

Educational Service Unit 4 (BEN 138326)
Charles Hummel

919 16th Street, PO Box 310, Auburn, NE 68305
(402)274-4354
chummel@esu4.net

Service Provider(s)

Educational Service Unit 6 (SPIN# 143027485)
Unite Private Networks (SPIN# 143029868)
Original bid by Zito Media, which was sold to Unite Private Networks

Funding Year(s)

2012
2013

Application Type &
Application Number

Form 470 #645580000984655
Form 470 #998830000984496

FRNS

See Appendix 1

Appeal Reason

USAC Administrator's Decision on Appeal letters dismissing appeal of Special Compliance Review Decision denying FRN's contained in Appendix 1, via Email on June 14, 2013, stating RFP's associated with these Form 470's were not available for service provider review for 28 days(from release date to due date).

"The Mission of ESU 4 is to improve student learning through a commitment to communication, accountability and leadership."

Appeal Explanation:

Educational Service Unit 4(ESU 4), acting as the administrative agent for a consortium of districts seeking High Speed Internet Service and an upgrade to its WAN, posted a Form 470 and RFP for each service. This was done by E-rate Coordinator Charles Hummel. Mr. Hummel's experience with e-rate began in 1999 when he began filing for phone service for ESU 4. This service never required the posting of an RFP when posting the form 470. When filing the 470's in question, Mr. Hummel's inexperience with the regulations concerning RFP posting led to the misinterpreting of the regulation. The interpretation was that since no vendor selection occurred less than 28 days from posting, the forms were in compliance. This is what led to the ministerial error requiring bids to be received within 26 days, rather than 28 days. In addition, one bid for Internet Service was not received until the day of the bid opening (30 days from posting), and was allowed for consideration. Also, only one bid was received for the WAN upgrade and no inquiries were received concerning this upgrade from any other vendors.

Provided for review during the process were the RFP's for each service, proposals from each interested Vendor, the Vendor Selection Matrix used, copies of signed contracts with the Vendors, letters of selection/rejection to vendors, and all forms completed and signed as required by USAC. These were all returned before the deadline for receipt of requested information.

After complying with all requests for information from the reviewers, provided openly and in good faith, the responses found in Appendix 1 were received, denying and rescinding approved funding, via email on June 14th.

An appeal of this decision was filed on August 12, 2013 with USAC, again providing all files used for the review. It was our belief that once we were notified of the decision to deny funding we should file the appeal. We found out later, with the USAC Administrator's Decision on Appeal letters that we were premature, since no Revised FCDL was received. These letters began arriving on December 10, 2013.

We would like you to consider the request for review or waiver provided which we feel shows precedent for reversing the USAC decision (Attachment 1). Also provided are all documents that were supplied to USAC during the review processes. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Charles Hummel".

Charles Hummel, ESU 4 E-rate Coordinator